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ABSTRACT

This booklet contains questions and answers concerning the Child Abuse Prevention and Treatment Act, an analysis of the Act by the Congressional Research Service, and a copy of the actual text. The question and answer section provides information about the rationale for the Act, the amount of money available for its implementation, as well as its demonstration programs and State technical assistance program. Also included is a discussion of the definition of child abuse and neglect, administration of the Act, and the relationship of this new legislation to other Federal laws with respect to child abuse and neglect. The analysis provides more indepth information about the same topics and includes some specific requirements or objectives for project and State aid. The actual text of the Federal legislation is the final section of the booklet. (SDH)

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CHILD ABUSE PREVENTION AND TREATMENT ACT, 1974

Public Law 93–247 (S. 1191)

Questions and Answers, Analysis, and Text of the Act

PREPARED FOR THE

SUBCOMMITTEE ON CHILDREN AND YOUTH

OF THE

COMMITTEE ON LABOR AND
PUBLIC WELFARE
UNITED STATES SENATE

APRIL 1974

Printed for the use of the Committee on Labor and
Public Welfare

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FOREWORD

This year the Congress passed landmark legislation aimed at the prevention, identification, and treatment of child abuse. This legislation, the "Child Abuse Prevention and Treatment Act," grew out of the investigations of the Subcommittee on Children and Youth into the incidence, nature, and causes of child abuse.

The public response was so great that although the administration opposed the legislation in testimony before the Senate Subcommittee, this opposition was later withdrawn.

Now that the legislation has been enacted, we can look forward to the first systematic Federal effort to respond to the needs of the estimated 60,000 children who are abused in this country every year. The passage and signing of the law has created considerable interest and has already stimulated significant new activity by local and State governments as well as private organizations and individuals. The committee intends to follow closely the progress of the programs authorized by the law.

HARRISON A. WILLIAMS,
Chairman, Senate Committee on Labor and Public Welfare.

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LETTER OF TRANSMITTAL

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HARRISON A. WILLIAMS, JR., N.J., CHAIRMAN
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United States Senate
COMMITTEE ON
LABOR AND PUBLIC WELFARE
WASHINGTON, D.C. 20510

March 27, 1974

Honorable Harrison A. Williams
Chairman
Committee on Labor and Public Welfare
Washington, D. C. 20510

Dear Mr. Chairman:

As you know, during 1973 the Subcommittee on Children and Youth conducted a major investigation of the widespread problem of child abuse. Over a period of several months, we received testimony from doctors, psychiatrists, law enforcement officials, social workers, nurses, Federal officials, former child abusers and others concerned about the problem. The Subcommittee held hearings in Washington, New York, Denver and Los Angeles. Members of the Subcommittee personally visited victims of child abuse in hospitals and observed firsthand the operations of multidisciplinary child abuse teams in several cities.

We were appalled to learn how many abused and neglected children there are and how little is being done to help them and their troubled families. Statistics vary widely, but there is no question that thousands and thousands of youngsters suffer severe physical and emotional abuse every year. This is a problem that cuts across social and economic barriers. It occurs in all kinds of families and in all kinds of neighborhoods.

Yet there was no focused Federal effort to deal with the problem. Nowhere in the Federal Government could we find one official assigned full time to the prevention, identification and treatment of child abuse and neglect.

That is why I, with a number of Senators, including you and Senator Robert Stafford of the Subcommittee, introduced and the Congress passed, the "Child Abuse

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Prevention and Treatment Act." Representative Pat Schroeder of Denver introduced this legislation in the House and Representative John Brademas of Indiana played a key role in moving it on to enactment.

With the enactment of the "Child Abuse Prevention and Treatment Act" on January 31 I am hopeful that we will see a vigorous new national interest in confronting this problem of child abuse and working to solve it. Because of the great interest already expressed by local and state officials, professional experts, the general public and the press, I believe that a document explaining how the law works would be most useful to the Committee. I therefore request your authorization for the printing of such a document.

Sincerely,

Walter F. Mondale

Walter F. Mondale
Chairman
Subcommittee on Children
and Youth

Questions and Answers on Child Abuse Prevention and Treatment Act

1. *Why was Federal legislation on child abuse and neglect necessary?*

During 1973, a wide variety of witnesses testified before the Subcommittee on Children and Youth on child abuse. They pointed out that an estimated 60,000 children are reported to have been abused each year in this country. Representatives of the Department of Health, Education, and Welfare testified that, despite the size of the problem, not one person was assigned full-time in the Federal Government to work on child abuse. Witnesses also testified that limited funding of existing child welfare programs through the Social Security Act has resulted in a lack of focus on child abuse and neglect in these programs at the local and national level.

2. *What is the purpose of the Child Abuse Prevention and Treatment Act?*

The major thrust of the law is to provide funding for promising efforts to prevent, identify and treat child abuse and neglect. In its hearings in several cities, the Subcommittee found that many highly motivated, dedicated persons and agencies were willing to take action on child abuse and neglect, but lacked the funding to do so. Another major purpose of the law is to provide the technical assistance and other resources needed to increase and expand efforts to prevent, identify, and treat child abuse and neglect.

3. *How much money will be available for implementing the Act?*

The law authorizes $15 million for fiscal year 1974; $20 million for 1975; and $25 million each for 1976 and 1977. The amount of funds actually available will be determined through the appropriations process in Congress.

4. *How does the Act define child abuse and neglect?*

These terms are defined as physical or mental injury, sexual abuse, negligent treatment, or maltreatment of a child under the age of 18 by a person who is responsible for the child's welfare.

5. *Who is eligible to apply for funding under the Act?*

Programs may be supported through two different sections of the Act. One is the demonstration grant program. Under this section, a wide variety of individuals, institutions and state or local agencies—for example, hospitals, police or welfare departments, universities, parent organizations—may apply for funding.

In addition, some funds are specifically reserved for technical assistance to state governments.

6. *How does the demonstration grant program work?*

The Act requires that at least 50% of funds appropriated in any year be spent on the demonstration grant program. Under the program, HEW may award grants and contracts for the following purposes:

A. Training programs for professionals and paraprofessional personnel in fields relevant to dealing with child abuse and neglect.

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B. Creation of regional centers to provide multidisciplinary services related to child abuse and neglect.

C. Provision of trained child abuse teams as consultants to rural and other areas which do not have resident experts.

D. Innovative programs and projects, including parent self-help programs.

7. *How does the state technical assistance program work?*

A minimum of 5% and maximum of 20% of the annual appropriation for this Act is reserved for grants to state governments. In order to qualify for these funds, a state must meet a series of requirements including having a child abuse reporting law, an investigation procedure, and procedures and resources for working with affected families.

8. *Who will administer the Act at the Federal level?*

The Act creates a new National Center on Child Abuse and Neglect in the Department of Health, Education and Welfare. This Center, which has been located in the Office of Child Development, will administer the demonstration grant and state assistance programs. Inquiries concerning funding under the Act should be addressed to the Center.

9. *What else will the Center do?*

The Center will be responsible for publishing an annual summary of research on child abuse and neglect; conducting research; maintaining a clearinghouse on child abuse and neglect programs; conducting a study of the incidence of child abuse and neglect; and providing technical assistance.

10. *How does this Act affect other Federal laws with respect to child abuse and neglect?*

This Act requires that all programs related to child abuse and neglect and funded under Title IV–A or IV–B of the Social Security Act must:

A. Have in effect a child abuse reporting law

B. Have a procedure for investigation of reports of child abuse and neglect

C. Provide for immediate protection of a child, if necessary

D. Provide for confidentiality of records

E. Provide for cooperation among law enforcement, state agency and court officials

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CONGRESSIONAL RESEARCH SERVICE

Analysis of Public Law 93-247, Child Abuse Prevention and Treatment Act (S. 1191)

Sec. 2. National Center on Child Abuse and Neglect.—Provides for the establishment of the National Center on Child Abuse and Neglect by the Secretary of Health, Education, and Welfare and outlines the functions of this Center. These include the development of an information clearinghouse; publication of an annual summary of research on child abuse and neglect; compilation of an annual summary of research on child abuse and neglect; compilation and publication of training materials for personnel in the field of child abuse prevention, identification and treatment; technical assistance (directly or through grants or contracts) to public and non-profit private agencies involved in this field; research into the causes of child abuse and neglect and methods of preventing, identifying and treating it; and a full study of National incidence of child abuse and neglect.

Sec. 3. Definition of child abuse and neglect.—Defines the term "child abuse and neglect" to be the physical or mental injury, sexual abuse, negligent treatment, or maltreatment of a child under the age of eighteen by a person who is responsible for the child's welfare.

Sec. 4. Demonstration program and projects.—(a) Authorizes the Secretary to make grants to and contracts with public or non-profit private agencies or organizations for demonstration projects designed to prevent, identify or treat child abuse and neglect. These grants or contracts may be for the following:

1. Development and establishment of training programs for professional and paraprofessional personnel in the fields of medicine, education, social work and other relevant fields, and training programs for children and persons responsible for the welfare of children in methods of protecting children from abuse and neglect.

2. Establishment and maintenance of centers, serving defined geographic areas, to provide services related to child abuse and neglect, including direct support and supervision of satellite centers and attention homes and advice and consultation to both individuals and agencies.

3. Furnishing services of teams of professional and paraprofessional personnel, on a consulting basis, to small communities where services for child abuse and neglect are not available.

4. Innovative programs and projects which show promise of successfully preventing, identifying or treating cases of child abuse and neglect.

No less than 50 percent of the funds appropriated under this act for any fiscal year may be used for carrying out the provisions of this subsection.

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(b) Provides for grants to the States for the development, strengthening and carrying out of child abuse and neglect prevention and treatment programs. In order to qualify for this assistance the State must meet the following requirements:

1. Must have in effect a State child abuse and neglect law which includes immunity from prosecution for persons reporting instances of child abuse and neglect, arising out of such reporting.

2. Must provide for the reporting of suspected instances of child abuse and neglect.

3. Upon reporting of known or suspected instances of child abuse or neglect, the State must initiate an investigation to determine the accuracy of such a report and if it is accurate, take immediate steps to protect the health and welfare of the abused or neglected child, as well as any other child under the same care who may be in danger of abuse or neglect.

4. Must demonstrate that there are in effect, throughout the State, administrative procedures, personnel trained in child abuse and neglect prevention and treatment, training procedures, institutional and other facilities and other multidisciplinary programs and services necessary to assure that the State will deal effectively with child abuse and neglect cases.

5. Must provide for confidentiality of all records in order to protect the rights of the child, his parents or guardians.

6. Must provide for the cooperation of law enforcement officials, courts of competent jurisdiction and appropriate State agencies.

7. Must provide a guardian ad litem (for the purpose of litigation) to represent the child in a case involveing child abuse or neglect which results in a judicial determination.

8. Must provide that the total amount of State funds for programs or projects related to child abuse and neglect are not reduced below the level provided during fiscal year 1973 and that federal funds made available under this Act will be used to supplement and, where practical, increase the level of current State funds available for such programs or projects.

9. Must provide for the dissemination of information to the general public on the problem of child abuse. Programs or projects related to child abuse and neglect assisted under part A or B of Title IV of the Social Security Act must comply with the requirements in Section 4(b) relating to reporting, investigation, immediate follow-up action to protect the child, confidentiality of all records and co-operation of law enforcement officials.

Assistance under this section is not available for construction of facilities, but is available for the lease or rental of facilities when necessary and for repair or minor alterations or remodeling of existing structures.

Not less than 5 percent, and not more than 20 percent of the funds appropriated may be used for these grants made to the States.

Sec. 5. Authorizations.—This section provides authorization for appropriations of $15,000,000 for the fiscal year ending June 30, 1974, $20,000,000 for the fiscal year ending June 30, 1975, and $25,000,000 for the fiscal year ending June 30, 1976 and for the succeeding fiscal year.

Sec. 6. Advisory Board.—Requires the Secretary to appoint, within 60 days, an Advisory Board on Child Abuse and Neglect. This Board is to be composed of representatives from Federal agencies with responsibility for programs related to child abuse including the Office of Child Development, the Office of Education, the National Institute of Mental Health, the National Institute of Child Health and Human Development, the Social and Rehabilitation Service and the Health Services Administration.

The function of the Advisory Board will be to assist the Secretary in coordinating new programs relating to child abuse and neglect with those being administered by Federal agencies, and to assist the Secretary in the development of Federal standards for these programs and projects. Only one-half of one percent of the funds appropriated, or $1,000,000 (whichever is less) may be used for the preparation and submittal (within eighteen months of enacted date) to Congress and the President of a report on programs assisted under this act and all related programs assisted by Federal agencies with membership on the Advisory Board. The report is to include also a study on the relationship between drug addiction and child abuse and neglect.

Sec. 7. Regulations.—Requires the Secretary to issue regulations and make arrangements to ensure effective coordination between programs and projects under this act and other child abuse and neglect programs assisted by Federal funds.

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Public Law 93-247
93rd Congress, S. 1191
January 31, 1974

An Act

To provide financial assistance for a demonstration program for the prevention, identification, and treatment of child abuse and neglect, to establish a National Center on Child Abuse and Neglect, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Abuse Prevention and Treatment Act". Child Abuse Prevention and Treatment Act.

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THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT

SEC. 2. (a) The Secretary of Health, Education, and Welfare (hereinafter referred to in this Act as the "Secretary") shall establish an office to be known as the National Center on Child Abuse and Neglect (hereinafter referred to in this Act as the "Center"). Establishment.

(b) The Secretary, through the Center, shall—

(1) compile, analyze, and publish a summary annually of recently conducted and currently conducted research on child abuse and neglect; Annual research summary.

(2) develop and maintain an information clearinghouse for all programs, including private programs, showing promise of success, for the prevention, identification, and treatment of child abuse and neglect; Information clearinghouse.

(3) compile and publish training materials for personnel who are engaged or intend to engage in the prevention, identification, and treatment of child abuse and neglect;

(4) provide technical assistance (directly or through grant or contract) to public and nonprofit private agencies and organizations to assist them in planning, improving, developing, and carrying out programs and activities relating to the prevention, identification, and treatment of child abuse and neglect;

(5) conduct research into the causes of child abuse and neglect, and into the prevention, identification, and treatment thereof; and

(6) make a complete and full study and investigation of the national incidence of child abuse and neglect, including a determination of the extent to which incidents of child abuse and neglect are increasing in number or severity. Study.

DEFINITION

SEC. 3. For purposes of this Act the term "child abuse and neglect" means the physical or mental injury, sexual abuse, negligent treatment, or maltreatment of a child under the age of eighteen by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary.

DEMONSTRATION PROGRAMS AND PROJECTS

SEC. 4. (a) The Secretary, through the Center, is authorized to make grants to, and enter into contracts with, public agencies or nonprofit private organizations (or combinations thereof) for demonstration programs and projects designed to prevent, identify, and treat child abuse and neglect. Grants or contracts under this subsection may be— Grants and contracts.

(1) for the development and establishment of training programs for professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant

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fields who are engaged in, or intend to work in, the field of the prevention, identification, and treatment of child abuse and neglect; and training programs for children, and for persons responsible for the welfare of children, in methods of protecting children from child abuse and neglect;

(2) for the establishment and maintenance of centers, serving defined geographic areas, staffed by multidisciplinary teams of personnel trained in the prevention, identification, and treatment of child abuse and neglect cases, to provide a broad range of services related to child abuse and neglect, including direct support and supervision of satellite centers and attention homes, as well as providing advice and consultation to individuals, agencies, and organizations which request such services;

(3) for furnishing services of teams of professional and paraprofessional personnel who are trained in the prevention, identification, and treatment of child abuse and neglect cases, on a consulting basis to small communities where such services are not available; and

(4) for such other innovative programs and projects, including programs and projects for parent self-help, and for prevention and treatment of drug-related child abuse and neglect, that show promise of successfully preventing or treating cases of child abuse and neglect as the Secretary may approve.

Not less than 50 per centum of the funds appropriated under this Act for any fiscal year shall be used only for carrying out the provisions of this subsection.

Grants to States.

(b)(1) Of the sums appropriated under this Act for any fiscal year, not less than 5 per centum and not more than 20 per centum may be used by the Secretary for making grants to the States for the payment of reasonable and necessary expenses for the purpose of assisting the States in developing, strengthening, and carrying out child abuse and neglect prevention and treatment programs.

(2) In order for a State to qualify for assistance under this subsection, such State shall—

(A) have in effect a State child abuse and neglect law which shall include provision, for immunity for persons reporting instances of child abuse and neglect from prosecution, under any State or local law, arising out of such reporting;

(B) provide for the reporting of known and suspected instances of child abuse and neglect;

(C) provide that upon receipt of a report of known or suspected instances of child abuse or neglect an investigation shall be initiated promptly to substantiate the accuracy of the report, and, upon a finding of abuse or neglect, immediate steps shall be taken to protect the health and welfare of the abused or neglected child, as well as that of any other child under the same care who may be in danger of abuse or neglect;

(D) demonstrate that there are in effect throughout the State, in connection with the enforcement of child abuse and neglect laws and with the reporting of suspected instances of child abuse and neglect, such administrative procedures, such personnel trained in child abuse and neglect prevention and treatment, such training procedures, such institutional and other facilities (public and private), and such related multidisciplinary programs and services as may be necessary or appropriate to assure that the State will deal effectively with child abuse and neglect cases in the State;

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(E) provide for methods to preserve the confidentiality of all records in order to protect the rights of the child, his parents or guardians;

(F) provide for the cooperation of law enforcement officials, courts of competent jurisdiction, and appropriate State agencies providing human services;

(G) provide that in every case involving an abused or neglected child which results in a judicial proceeding a guardian ad litem shall be appointed to represent the child in such proceedings;

(H) provide that the aggregate of support for programs or projects related to child abuse and neglect assisted by State funds shall not be reduced below the level provided during fiscal year 1973, and set forth policies and procedures designed to assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practicable, increase the level of State funds which would, in the absence of Federal funds, be available for such programs and projects;

(I) provide for dissemination of information to the general public with respect to the problem of child abuse and neglect and the facilities and prevention and treatment methods available to combat instances of child abuse and neglect; and

(J) to the extent feasible, insure that parental organizations combating child abuse and neglect receive preferential treatment.

(3) Programs or projects related to child abuse and neglect assisted under part A or B of title IV of the Social Security Act shall comply with the requirements set forth in clauses (B), (C), (E), and (F) of paragraph (2). 49 Stat. 627; 81 Stat. 911. 42 USC 601, 620.

(c) Assistance provided pursuant to this section shall not be available for construction of facilities; however, the Secretary is authorized to supply such assistance for the lease or rental of facilities where adequate facilities are not otherwise available, and for repair or minor remodeling or alteration of existing facilities.

(d) The Secretary shall establish criteria designed to achieve equitable distribution of assistance under this section among the States, among geographic areas of the Nation, and among rural and urban areas. To the extent possible, citizens of each State shall receive assistance from at least one project under this section.

AUTHORIZATIONS

SEC. 5. There are hereby authorized to be appropriated for the purposes of this Act $15,000,000 for the fiscal year ending June 30, 1974, $20,000,000 for the fiscal year ending June 30, 1975, and $25,000,000 for the fiscal year ending June 30, 1976, and for the succeeding fiscal year.

ADVISORY BOARD ON CHILD ABUSE AND NEGLECT

SEC. 6. (a) The Secretary shall, within sixty days after the date of enactment of this Act, appoint an Advisory Board on Child Abuse and Neglect (hereinafter referred to as the "Advisory Board"), which shall be composed of representatives from Federal agencies with responsibility for programs and activities related to child abuse and neglect, including the Office of Child Development, the Office of Education, the National Institute of Education, the National Institute of Mental Health, the National Institute of Child Health and Human Development, the Social and Rehabilitation Service, and the Health Services Administration. The Advisory Board shall assist the Secretary in coordinating programs and activities related to child abuse Membership. Functions.

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and neglect administered or assisted under this Act with such programs and activities administered or assisted by the Federal agencies whose representatives are members of the Advisory Board. The Advisory Board shall also assist the Secretary in the development of Federal standards for child abuse and neglect prevention and treatment programs and projects.

Report to President and Congress.

(b) The Advisory Board shall prepare and submit, within eighteen months after the date of enactment of this Act, to the President and to the Congress a report on the programs assisted under this Act and the programs, projects, and activities related to child abuse and neglect administered or assisted by the Federal agencies whose representatives are members of the Advisory Board. Such report shall include a study of the relationship between drug addiction and child abuse and neglect.

(c) Of the funds appropriated under section 5, one-half of 1 per centum, or $1,000,000, whichever is the lesser, may be used by the Secretary only for purposes of the report under subsection (b).

COORDINATION

SEC. 7. The Secretary shall promulgate regulations and make such arrangements as may be necessary or appropriate to ensure that there is effective coordination between programs related to child abuse and neglect under this Act and other such programs which are assisted by Federal funds.

Approved January 31, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-685 (Comm. on Education and Labor).
SENATE REPORT No. 93-308 (Comm. on Labor and Public Welfare).
CONGRESSIONAL RECORD, Vol. 119 (1973):
July 14, considered and passed Senate.
Dec. 3, considered and passed House, amended.
Dec. 20, Senate agreed to House amendments with amendments.
Dec. 21, House concurred in Senate amendments.

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